

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

No. CR 09-70280 EMC

Plaintiff,

**ORDER AFFIRMING MAGISTRATE'S  
RELEASE ORDER**

v.


TROY CONTE,

Defendant.

On March 27, 2009, the Court heard oral argument on the government's appeal of the Hon. Edward Chen's March 24 order releasing defendant on a \$350,000 bond. This Court reviews Judge Chen's March 24 order *de novo*. Having considered an audio recording of the proceedings before Judge Chen, the report of pretrial services, and the papers submitted by the parties, the Court affirms Judge Chen's order. Although there is a statutory presumption in this narcotics case that defendant is both a flight risk and a danger to the community, *see* 18 U.S.C. § 3142(e), the Court finds that defendant has presented evidence both overcoming that presumption and establishing that pretrial detention is not warranted in this case. The Court adopts all of the reasons articulated by Judge Chen and particularly emphasizes the strong showing of community support for defendant and the fact that his criminal history, while serious, does not include arrests within the past decade.

**IT IS SO ORDERED.**

Dated: March 27, 2009

  
SUSAN ILLSTON  
United States District Judge